

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ZETA GLOBAL CORP., a Delaware corporation,

Plaintiff,

v.

MAROPOST MARKETING CLOUD, INC., a Canada
corporation,

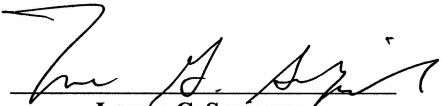
Defendant.
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Civil Action No. 1:20-cv-03951-LGS

By **July 28, 2021**, Plaintiff shall file a response
brief per the Individual Rules. No reply shall be
filed at this time.

SO ORDERED

Dated: July 14, 2021
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

DEFENDANT'S NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Defendant will move this Court, before the Honorable Lorna G. Schofield, at the United States Courthouse located at 40 Foley Square, Courtroom 1106, New York, New York, on a date and at a time to be set by the Court, for an order granting reconsideration of those portions of the Court's July 7, 2021 Claim Construction Order, in which the Court ruled: (1) the term "failure message" in U.S. Patent No. 8,108,475 is not indefinite; and (2) the term "failure type" is not indefinite in either U.S. Patent No. U.S. Patent No. 7,536,439 or No. 8,108,475. In the event reconsideration is granted, Defendant further moves this Court for an order dismissing the remainder of Plaintiff's Complaint.

Dated: July 13, 2021

/s/ Jonathan B. Tropp
Jonathan B. Tropp

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that, on the 13th day of July, 2021, a copy of the foregoing document in its entirety, was served upon counsel for Plaintiff via ECF.

/s/ Jonathan B. Tropp
Jonathan B. Tropp